

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL  
ACTIONS

Chief Mag. Judge Marianne B. Bowler

**PLAINTIFFS' CONSENT MOTION FOR AN EXTENSION OF TIME TO  
OPPOSE DEFENDANTS BRISTOL-MYERS SQUIBB COMPANY, ONCOLOGY  
THERAPEUTICS NETWORK CORP. AND APOTHECON, INC.'S MOTION TO  
COMPEL THE PRODUCTION OF DOCUMENTS BY PLAINTIFFS AND MOTION  
FOR A PROTECTIVE ORDER AGAINST A DEPOSITION NOTICE**

Plaintiffs hereby move, with the consent of counsel for Bristol-Myers Squibb, Oncology Therapeutics Network Corp. and Apothecon, Inc. (collectively "BMS"), for a two day extension of time until September 15, 2004, to oppose the Motion to Compel the Production of Documents by Plaintiffs and Motion for a Protective Order Against a Deposition Notice. The parties have been discussing potential resolutions to this dispute. No further extensions of time are anticipated.

Accordingly, Plaintiffs move for the entry of the proposed scheduling order attached hereto.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(a)(2), the undersigned hereby certify that counsel for BMS consents to this motion.

Dated: September 13, 2004

By: /s/ Edward Notargiacomo  
One of Plaintiffs' Counsel

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**CERTIFICATE OF SERVICE BY VERILAW**

Docket No. MDL 1456

I, Edward Notargiacomo, hereby certify that I am one of plaintiffs' attorneys and that, on September 13, 2004, I caused copies of PLAINTIFFS' CONSENT MOTION FOR AN EXTENSION OF TIME TO OPPOSE DEFENDANTS BRISTOL-MYERS SQUIBB COMPANY, ONCOLOGY THERAPEUTICS NETWORK CORP. AND APOTHECON, INC.'S MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS BY PLAINTIFFS AND MOTION FOR A PROTECTIVE ORDER AGAINST A DEPOSITION NOTICE to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: September 13, 2004

/s/ Edward Notargiacomo  
Edward Notargiacomo